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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/882,949      | 06/15/2001  | Sami Kekki           | 796.400USW1         | 1928             |

32294 7590 07/30/2003

SQUIRE, SANDERS & DEMPSEY L.L.P.  
14TH FLOOR  
8000 TOWERS CRESCENT  
TYSONS CORNER, VA 22182

EXAMINER

KNEPPER, DAVID D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2654

DATE MAILED: 07/30/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

97

# Office Action Summary

Application No.

09/882,949

Applicant(s)

KEKKI ET AL

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 Mar 2003, 6 Jun 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 17 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

1. Applicant's correspondence filed on 17 March 2002 and 6 June 2003 (papers #9-13) has been received and considered. Claims 1-14 are pending.

### **Drawings**

2. The objection to the drawings is overcome with the changes to both drawings and the specification. These changes have been approved.

3. However, it is unclear whether Figures 2a – 2c need to be labeled as “Prior Art”. These figures are described on page 3 of the specification as representing other applications which have not been submitted for consideration as prior art.

### **Claims**

4. Claims 1-14 are rejected under 35 USC 102 (a) over Kapadia (5,768,314). The applicant is referred to the previous office action of paper #8 mailed 17 Dec 2002.

The applicant's argument that Kapadia fails to teach “speech coding ... at a lower transmission rate” (page 15) is false based upon his half rate speech codec (figures 2-6).

The applicant's arguments that Kapadia fails to teach that “first transmission path uses a first transmission method ... second transmission path a second speech coding method is used” (page 16) is also not correct. If the applicant were to include particular types of coding methods, this argument might hold water. However, the claims as stated cover any known coding methods. Kapadia teaches in column 1, lines 52-53 the speech codec can be at the BTS (Base Transceiver Site), Base Station Controller (BSC) or Mobile Switching Center (MSC) sites. Therefore, contrary to the applicant's argument, the prior art anticipates different locations and

paths for coding methods to change as desired. The BTS communicates with the RF interface directly to the mobile station. Therefore, the prior art anticipates the transmission on the radio path to mobile stations.

The argument that Kapadia does not teach “speech parameters received from the terminal equipment received from the terminal equipment...are converted into speech parameters of the second speech coding method” is similarly false based on his use of full or half-rate speech coding or decoding as shown in figures 4-6.

In column 1, lines 60-63, Kapadia teaches The algorithms used in the full rate speech codec and the ones currently proposed for the half rate speech codec are completely different. Hence, the parameters they produce and the parametric to sensitivity ordering are also different. Thus, contrary to the applicant’s argument, the prior art anticipates the use of different coding methods along different paths

Thus, Kapadia clearly anticipates converting between full and half rate speech coding/decoding in various paths within a wireless telephone network.

Claim 14 is rejected under similar arguments as applied to claim 1 as further noted above.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**6. Any response to this action should be mailed to:**

Box AF  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

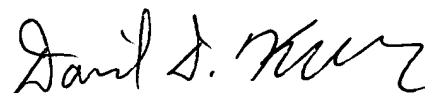
TC2600 Fax Center  
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.



David D. Knepper  
Primary Examiner  
**Art Unit 2654**  
July 28, 2003